

13. (amended) An active matrix liquid crystal display device according to claim 12, further comprising a counter signal line in each pixel, and the through hole at which the source electrode and the pixel electrode are connected is arranged at a region where the counter signal line is formed.

REMARKS

By the above amendment, the specification has been amended to add a Cross Reference to the parent application which is a 371 of a PCT application. Additionally, claims 1, 12 and 13 have been amended to clarify features thereof including correction of spelling errors.

Turning to the rejection of claims 1-2, 4, 6, 8 and 13-14 under 35 U.S.C. §112, second paragraph, this rejection is considered to be overcome by the present amendment of the claims.

More particularly, with respect to claim 1, the recitation of "first and second alignment films" in line 14 has been amended to recite "the" first and "the" second alignment films, thereby clearly referring to the first and second alignment films previously referred to in lines 10 and 12. Additionally, claim 12 has been amended to correct the spelling of "through" hole, with claim 13 being amended to clarify the feature that the through hole referred to therein is the through hole of claim 12. Thus, applicants submit that by the present amendment, the rejection of the claims under 35 U.S.C. §112, second paragraph, should be overcome.

As to the rejection of claims 9 and 12-13 under 35 U.S.C. 102(e) as being anticipated by Hirakata et al, U.S. Patent No. 5,977,562; the rejection of claims 15-25 under 35 U.S.C. 103(a) as being unpatentable over Hirakata et al, U.S. Patent No. 5,977,562; and the rejection of claims 1, 2, 4, 6, 8 and 10-11 under 35 U.S.C. 103(a) as being unpatentable over Hirakata et al, U.S. Patent No. 5,977,562 in view of Raynes, U.S. Patent No. 4,084,884; such rejections are traversed, in that

applicants submit that Hirakata et al is not properly utilizable in rejecting claims of this application under 35 U.S.C. 102 or 35 U.S.C. 103.

Applicants note that while the Examiner has indicated in paragraph 8 at page 5 of the Office Action that claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, this position by the Examiner is not understood in that the Examiner has indicated that claim 4 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Hirakata et al in view of Raynes. Thus, claim 4 has been retained in dependent form, and clarification of the Examiner's position is requested.

With regard to the inapplicability of Hirakata et al under 35 U.S.C. 102 or 35 U.S.C. 103, submitted herewith is a Declaration together with attached Exhibits under 37 CFR 1.131. Referring to the Declaration, as indicated therein, Exhibit 1 is a cover sheet which had as an attachment thereto (Exhibit 2) a complete disclosure of the invention as prepared by the inventor Ohta including eighty (80) pages of specification in the Japanese language and claims and forty-seven (47) sheets of drawings of Figs. 1-44. The drawings of Figs. 1-44 are substantially identical to the drawings of Figs. 1-44 of the PCT application as filed in the Japanese Patent Office on December 18, 1996 and for which an English translation appears as the specification of the present application herein. Exhibit 3 is a copy of Exhibit 1 with an English translation of portions thereof when the lower left-hand corner indicates the inventor's stamp of the inventor Ohta and the date 8-11.14 represents November 14, 1996, representing the date of submission to the inventor Ohta's supervisor of Exhibits 1 and 2. On the right side of Exhibits 1 and 3, other coinventors names and stamps are shown indicating the review of the attached documents prior to November 14, 1996 in order to determine the respective inventors portion of contribution to the disclosed invention.


Such documents representing Exhibits 1 and 2 represented a request for filing a patent application thereon and resulted in the filing with due diligence of the PCT application in Japan on December 18, 1996 with the U.S. national phase thereof being filed in the U.S. Patent and Trademark Office on June 18, 1999 and having the effective date of December 18, 1996. Applicants note that Hirakata et al has a U.S. filing date of November 14, 1996, which is the same date of November 14, 1996 as Exhibit 1 for submission of the invention documents (Exhibit 2) to the inventor Ohta's supervisor as a request for filing a patent, as is apparent from Exhibit 3, which is the English translation of Exhibit 1. Thus, applicants submit that the Declaration under 37 CFR 1.131 and accompanying Exhibits are sufficient to establish invention of the subject matter of the claims of this application at least as of the November 14, 1996 U.S. filing date of Hirakata et al, such that applicants submit that Hirakata et al is not properly utilizable in rejecting claims of this application under 35 U.S.C. 102 and 35 U.S.C. 103 and the rejections utilizing Hirakata et al necessarily fall.

For the foregoing reasons, since Hirakata et al is not properly utilizable in rejecting the claims of this application, a discussion of the inapplicability of Hirakata et al in relation to the claimed invention is considered unnecessary. Further, as recognized by the Examiner, Raynes, U.S. Patent No. 4,084,884, is insufficient when considered alone, to reject claims of this application. Accordingly, applicants submit that all claims present in this application patentably distinguish over the cited art in the sense of 35 U.S.C. 102 and 35 U.S.C. 103.

Applicants note that by the present amendment, the rejections under 35 U.S.C. §112, second paragraph, have been overcome, and that all claims should now be considered to be in compliance with 35 U.S.C. §112, second paragraph, and to patentably distinguish over the cited art, such that issuance of an action of a favorable nature is courteously solicited.

To the extent necessary, applicant's petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (501.37242CX2) and please credit any excess fees to such deposit account.

Respectfully submitted,



Melvin Kraus
Registration No. 22,466
ANTONELLI, TERRY, STOUT & KRAUS, LLP

MK/cee
(703) 312-6600

501.37242CX2
S.N. 09/804,190

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

Page 1, between the title of the invention and line 3, please insert the following new paragraph:

—CROSS REFERENCE TO RELATED APPLICATIONS

This is a continuation of U.S. application Serial No. 09/331,266, filed June 18, 1999, which is a 371 of PCT/JP96/03691, filed December 18, 1996, the subject matter of which is incorporated by reference herein.—

IN THE CLAIMS:

Please amend claims 1, 12 and 13 as follows:

1. (twice amended) An active matrix liquid crystal display device comprising:
 - first and second substrates;
 - a liquid crystal layer disposed between the first and second substrates;
 - plural image signal lines and scan signal lines formed on the first substrate, and each pixel region being formed by adjacent image signal lines and adjacent scan signal lines having at least an active device;
 - at least a pixel electrode connected to the active device and at least a counter electrode in each pixel, the pixel electrode and the counter electrode are on the first substrate;
 - a first alignment film formed over the pixel electrode and counter electrode on the first substrate at least in the pixel forming region;
 - a second alignment film formed on the second substrate at least in the pixel forming region;
 - wherein rubbing directions of the first and the second alignment films are substantially parallel to each other; and

wherein the pixel electrode and the counter electrode are disposed on a same insulating layer which is arranged under the first alignment film and which is arranged over at least one of the image signal lines.

12. (amended) An active matrix liquid crystal display device according to claim 9, further comprising a source electrode connected to the active device, and the source electrode and the pixel electrode are connected to each other at a thorough-through hole.

13. (amended) An active matrix liquid crystal display device according to claim 12, further comprising a counter signal line in each pixel, and the thorough through hole being at which the source electrode and the pixel electrode are connected is arranged at a region where the counter signal line is formed.

501.37242CX2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): M. OHTA, et al
Serial No.: 09/804,190
Filed: March 13, 2001
For: LATERAL ELECTRIC-FIELD LIQUID CRYSTAL DISPLAY
DEVICE SUITABLE FOR IMPROVEMENT OF APERTURE
RATIO
Group: 2871
Examiner: D. Nguyen

DECLARATION UNDER 37 CFR §1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Kazuhiko Yanagawa, declare and state as follows:

That I am a coinventor of the invention disclosed and claimed in the above-identified patent application and that I am employed by Hitachi, Ltd., the assignee of the above-identified application;

That in order to swear back of U.S. Patent No. 5,977,562 to Hirakata et al, having a U.S. filing date of November 14, 1996, I make the following declarations as to fact showing a completion of the invention described in the above-identified application in Japan at least as of the date of November 14, 1996;

That the above-identified application was originally filed as PCT/JP96/03691 in Japan on December 18, 1996 of which the present application was originally filed as a 371 thereof in the form of an English translation of PCT/JP96/03691;

That Exhibit 1 is a copy of a cover sheet which the inventors prepared for submission to the Patent Department of Hitachi, Ltd, which is first submitted through

the inventors' supervisors and which had as an attachment, a complete disclosure of the invention as prepared by the inventor Ohta including eighty (80) pages of specification and claims and forty-seven (47) sheets of drawings of Figs. 1-44 as represented by Exhibit 2;

That the drawings of Figs. 1-44 of Exhibit 2 are substantially identical to the drawings of Figs. 1-44 in the PCT application, as filed, and that of the drawings of Figs. 1-44 in the above-identified application, and the other application papers are substantially identical, although various pages of Exhibit 2 include handwritten notes which represent changes which were effected prior to the filing of the PCT application (see pages 46 and 76-79, for example);

That attached as Exhibit 3 is a copy of Exhibit 1 with an English translation of portions thereof, wherein the lower left-hand corner indicates the inventor's stamp of the inventor Ohta and the date 8-11.14 represents November 14, 1996 in which the cover sheet and attached documents were submitted to his supervisor on November 14, 1996;

That on the right side of Exhibits 1 and 3, other coinventors names and stamps are shown representing that these coinventors, including myself, had reviewed the attached papers sufficiently to determine their portion of the contribution to the disclosed invention;

That the documents as submitted on November 14, 1996 as represented by Exhibit 2 represented a request for filing a patent thereon and resulted in the filing with due diligence of the PCT application in Japan on December 18, 1996, and the 371 thereof in the U.S. Patent and Trademark Office on June 18, 1999, having the effective date of December 18, 1996, of which the above-identified application is a continuation, with the invention as disclosed and claimed herein being fully supported by the document of Exhibit 2 which was submitted for review on November 14, 1996.

The undersigned declarant declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: May 23, 2003 Kazuhiko Yanagawa
Kazuhiko Yanagawa

Post Office Address:

460 Shimonagayoehi, Mobara-shi,
Chiba-ken, Japan